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7
8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

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12 UNITED STATES OF AMERICA,
13 Plaintiff,
14 vs.
15 TIMOTHY NAVA,
16 Defendant.

2:13-cr-00159-GMN-VCF

RENEWED MOTION TO
TEMPORARILY MODIFY
CONDITIONS OF SUPERVISED
RELEASE TO ALLOW TRAVEL
(Expedited Treatment Requested)

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18 COMES NOW, the Defendant Timothy Nava, by and through his attorney of record, Rachel
19 Korenblat, Assistant Federal Public Defender, and hereby moves the Court to allow Mr. Nava to
20 travel from May 31, 2014 until June 2, 2014 to Billings, Montana to attend his son's high school
21 graduation. This motion is based on all prior proceedings had herein and the attached memorandum
22 of points and authorities.

23 DATED this 5th day of May, 2014.

24 RENE L. VALLADARES
Federal Public Defender

25 /s/Rachel Korenblat

26 By: _____
27 RACHEL KORENBLAT
Assistant Federal Public Defender
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FACTS

On November 13, 2002, the District Court in the District of Montana sentenced Mr. Nava to 175 months of custody followed by five years of supervised release for Possession with Intent to Distribute Methamphetamine, a violation of 21 U.S.C. § 841(a)(1). (CR # 4 at Attachment 3 (Judgment).) On December 21, 2012, Mr. Nava was released from custody and he began his five year term of supervision. Mr. Nava resides in Las Vegas, Nevada, and he has been supervised by the Probation Office in this District. Jurisdiction for Mr. Nava's supervision was transferred to this District on May 2, 2013. (CR ## 2-4.) Mr. Nava has a pending petition to violate his supervision based on a state case, which is also currently pending. (CR # 6.) On September 27, 2013, Nava was initially detained federally because of the petition, but this Court released him on November 4, 2013 to continue on his current terms of supervision with the added condition that Mr. Nava wear a Transdermal Alcohol Monitoring Device ("TAD").

At the time Mr. Nava was sentenced for his underlying case, he had several children. Mr. Nava's oldest child, Timothy Nava, was only six years old. Even though Mr. Nava served nearly a 15-year prison sentence, he has maintained a very close relationship with his children, who reside in Montana. Mr. Nava's oldest child, Timothy, is graduating high school in Billings, Montana on June 1, 2014, and the family is hosting a reception celebrating his graduation, along with his cousin's graduation, on June 7th. (*See Exhibit A, attached hereto (invitation for Timothy and his cousin's graduation and reception).*) Timothy is the first person in Mr. Nava's family to graduate high school.

Mr. Nava wants nothing more than to see his son graduate. And his son too would love for his father to see him graduate, especially because he missed out on so much of his life growing up. Since Mr. Nava's release in November, he has been compliant with his terms of supervision. Mr. Nava has reported appropriately to Probation. Mr. Nava has never tested positive for any illegal substance nor any alcohol while being monitored on the TAD bracelet. Mr. Nava has only missed one drug test, but he tested the very next day, and the result was negative for any controlled substance. Mr. Nava has secured employment at a restaurant, Broadway Burger in New York, New York casino in the kitchen. Mr. Nava has been diligent with both his federal and state court cases – keeping in touch with his attorneys and since his release, not missing any of his state court

1 proceedings.

2 On April 25, 2014, Mr. Nava filed an initial motion to allow travel from May 30, 2014 until
3 June 9, 2014 so he could attend both his son's graduation and reception. (CR # 29.) The
4 government did not oppose the motion, but the Probation Office did oppose this request. On May
5 5, 2014, the Court denied Mr. Nava's motion to travel for the time period requested. (CR # 30.) The
6 Court, however, stated that it would be "inclined to grant travel one day before the graduation (May
7 31st), the day of his son's graduation (June 1st), and travel back to Las Vegas the day following
8 graduation(June 2nd)." (*Id.* at 2: 18-20.) This renewed motion follows. Because Mr. Nava has been
9 compliant since his release from custody over five months ago, not missed any court dates, and has
10 demonstrated his stability by securing and maintaining employment, this Court should order the
11 relief requested herein.

12 **CONCLUSION**

13 For the above-reasons, Mr. Nava respectfully requests that the Court modify the terms of his
14 supervision to temporarily allow him to travel to Billings, Montana for his son's high school
15 graduation.

16 Dated this 5th day of May, 2014.

17 Respectfully submitted,

18 RENE L. VALLADARES
19 Federal Public Defender

20 */s/Rachel Korenblat*

21 By: _____

22 RACHEL KORENBLAT
23 Assistant Federal Public Defender
24 Counsel for Timothy Nava
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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TIMOTHY NAVA,

Defendant.

2:13-cr-00159-GMN-VCF

**ORDER TO TEMPORARILY MODIFY
CONDITIONS OF SUPERVISED
RELEASE TO ALLOW TRAVEL**

Based on the Renewed Motion to Temporarily Modify Conditions of Supervised Release to Allow Travel ("Motion"), and good cause appearing therefore,

IT IS HEREBY ORDERED ADJUDGED AND DECREED that the Motion is hereby GRANTED, and Timothy Nava is permitted to travel from Las Vegas, Nevada to Billings, Montana from May 31, 2014 to June 2, 2014.

DATED this 6th day of May, 2014.



Gloria M. Navarro, Chief Judge
United States District Court

CERTIFICATE OF ELECTRONIC SERVICE

The undersigned hereby certifies that she is an employee of the Law Offices of the Federal Public Defender for the District of Nevada and is a person of such age and discretion as to be competent to serve papers.

That on May 5, 2014, she served an electronic copy of the above and foregoing **RENEWED MOTION TO TEMPORARILY MODIFY CONDITIONS OF SUPERVISED RELEASE TO ALLOW TRAVEL**(Expedited Treatment Requested) by electronic service (ECF) to the person named below:

DANIEL G. BOGDEN
United States Attorney
PAMELA A. MARTIN
Assistant United States Attorney
333 Las Vegas Blvd. So. 5th Floor
Las Vegas, NV 89101

/s/ Karen Meyer
Employee of the Federal Public Defender

EXHIBIT “A”

EXHIBIT “A”



Come celebrate the graduation of Timothy Nava and Reina Reyna
June 1, 2014
Metra park Arena 308 6th ave. North
Graduation reception will be June 7th
6:30 @ Shrine auditorium 1125 Broadwater ave. Billings, MT

CONGRATS! CLASS OF

2014